

Issue Backgrounders:

CLEAN POWER PLAN-

- EPA is ending the “War on Coal.” Following the President’s March 2017 Energy Independence Executive Order, Administrator Pruitt signed three notices to review, and possibly rescind major economically significant rules, including the so-called Clean Power Plan that threatens over 125,000 U.S. jobs. The proposed repeal is currently at OMB and we expect it to be proposed in the coming weeks and no later than the end of the year. *- announced last week.*
- The Clean Power Plan (CPP) has serious legal and policy flaws. For years, energy producing states have argued that this plan is an overreach by EPA, interfering with the states’ sovereign rights. As directed by this Executive Order, EPA will review the CPP to ensure that the agency is abiding by the Clean Air Act and respecting the rule of law.
- A bipartisan majority in the 114th Congress rejected the CPP, which was promulgated under Section 111 of the Clean Air Act.
- In February 2016, the Supreme Court took the unprecedented step to stay the implementation of the CPP. The stay is for good reason as the CPP was being challenged by over 150 entities including 28 states, 24 trade associations, 37 rural electric co-ops, and 3 labor unions.
- When it comes to environmental protection, we’ve got a lot to celebrate. According to EPA, since 1980 there’s been a 65% reduction in the 6 principle pollutants under the Clean Air Act’s National Ambient Air Quality Standards program. This has occurred at the same time more Americans have used more energy and driven more cars, more miles.
- Promoting and protecting a strong and healthy environment are very important to President Trump, and EPA is vital to that mission.
- This Executive Order will help return EPA to its core mission.

WOTUS-

We have received over 600,000 comments on the proposed repeal of the 2015 rule. That comment period closed Sept. 27.

NE would like to exclude from federal jurisdiction waters that are under state control including: groundwater, agricultural waters including farm and stock ponds, irrigation ditches, man-made dugouts pits and all ponds where irrigation is not connected to jurisdictional surface waters.

Step One

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Deliberative Process / Ex. 5

Step Two

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Deliberative Process / Ex. 5

- You may be especially interested in the one for Industry – that conference call/webinar will be held on October 24 from 1:00PM to 3:00PM EDT.

- You can find a link on our website. The agencies ask that this information be submitted on or before November 28, 2017.
- Information gathered through these stakeholder sessions, in addition to the feedback the agencies are hearing through ongoing outreach to state and tribal governments, will help inform the step two rulemaking, which would revise the definition of “waters of the United States” under the Clean Water Act.
- In addition to pre-proposal outreach, the second step rulemaking to revise the definition of WOTUS will also include opportunity for public notice and comment.